

# **CORRECTED FISCAL MEMORANDUM**

## **HB 4213 – SB 4196**

April 25, 2008

**SUMMARY OF AMENDMENTS (015210, 015792):** Amendment 015210 makes the proposed revocation of driving privileges dependent upon a determination that by a preponderance of the evidence the results of the breathalyzer test or the chemical blood test show the person drove or was in actual control of a motor vehicle while under the influence of alcohol or drugs; adds language that establishes the sole issues for driver license revocation hearings. Amendment 015792 adds language prohibiting any attorney from advertising that they specialize in the defense of DUI cases, that they offer a discounted fee for DUI defense, or that they have more expertise in defending DUI cases than any other licensed attorney.

### **CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue - \$0 / FY08-09  
\$2,320,500 / FY09-10  
\$5,400,300\* / FY10-11 and Succeeding Years

Increase State Expenditures –  
\$2,786,500 / FY08-09 (included in the Governor's FY08-09 Budget)  
\$105,000/One-Time/FY09-10  
\$6,232,200\*/Recurring/FY09-10 and Succeeding Years

Increase Local Revenue - \$68,700  
Increase Local Expenditures\*\* \$1,680,000/One-Time/FY08-09  
\$460,700/Recurring/FY09-10

Other Fiscal Impact - No revenue will be generated in FY08-09. Program costs of \$2,786,500 in FY08-09 will be funded by a one-time appropriation included in the Governor's FY08-09 Budget. Program costs will increase to a total of \$6,337,200 for FY09-10 (one-time and recurring). Program costs in FY09-10 will be funded partially by revenue in the amount of \$2,320,500. A one-time appropriation of \$4,016,700 will be required in FY09-10 to fund the difference. Beginning in FY10-11, revenue will increase to \$5,400,300 per year and recurring program costs will remain at \$6,232,200 per year.

\*For clarity, revenue and expenditures are shown as cumulative rather than incremental in each year.

*\*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

On April 21, we issued a fiscal memorandum for this bill as amended indicating an estimate that was *unchanged from the corrected fiscal note for the original bill*. Since April 21, 2008, the fiscal note for the original bill has been revised based on further information provided by the Administrative Office of the Courts. As a result, the estimate for the bill as amended has been changed to the estimate for the original bill, as corrected on April 25, 2008.

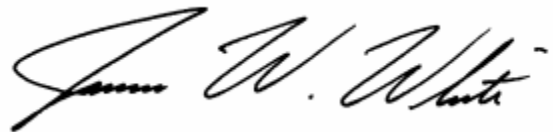
### **Unchanged from the corrected fiscal note for the original bill.**

Assumptions applied to amendments:

- The Department of Safety has indicated that amendment 015210 will not change the impact estimated for the original bill.
- Amendment 015792 will not have any impact on state or local government revenue or expenditures.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc